

Sherburne K.

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THE HONORABLE

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COURT OF DIRECTORS

FOR THE AFFAIRS OF

THE HONORABLE

UNITED COMPANY

O F

MERCHANTS OF ENGLAND

TRADING TO THE

EAST INDIES.



CALCUTTA, MDCC LXXXV.



*To the Honorable the COURT OF
DIRECTORS for the Affairs
of the Honorable UNITED
COMPANY OF MERCHANTS
of ENGLAND, trading to the
EAST-INDIES.*

*The Memorial of JOSEPH SHERBURNE,
Senior Merchant, on the Bengal Esta-
blishment, sheweth,*

THAT your Memorialist was appointed a Writer in the Honorable Company's Service, in the year 1767: That from the time of his arrival in *India* to the year 1770, he was employed, and with some degree of honor to himself, in your Accountant's Office: That in August 1770, being then the Head Assistant in the Department, he was appointed Assistant to Mr. *William Harwood*, the Collector of *Rajemahal* and *Boglipore*; that during the time he was so situated he made the Native Language, and the Collections his study, in order to qualify

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himself

himself for the succession to the Collectorship, which from the Constitution of the Service, and the standing and repeated Orders of the Honorable the Court of Directors, he was entitled to: But in April 1773, having then been near three Years the only Assistant at the Station, your Memorialist was deprived of the Succession, and superceded by Mr. *James Barton*, recently returned from *Europe*, after a number of years absence, and your Memorialist's Junior in the Service: That this measure was at that time unprecedented; and your Memorialist conceives, incompatible with your Orders; as no Charge to disqualify him for the Succession, was or could be exhibited against him: That he was compelled however by it, to relinquish his Appointment, and to return to the Presidency. where he was continued unemployed till the Year 1778, without any farther Allowance, or Provision, than Sixty three Current Rupees per *Menſum*; that he was then appointed Deputy Superintendant of Police, under Mr. *Playdell*, who having other avocations, the

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burthen of the Duties of this Department fell on your Memorialist: That on the decease of this Gentleman, your Memorialist should, on Rights founded on the Constitution of your Service, in the nature of the Office, and on the positive and pointed Injunctions laid by you on the Supreme Council, on their first appointment, have in justice, succeeded; but here again your Memorialist was not only deprived of his Right of Succession, but had the mortification to see himself superceded by Mr. *Motte*, who had not even the advantage of being in your employ; and whose general Character by no means entitled him to a preference, so singular, and so injurious to your Memorialist. Ignominious, humiliating, and unprecedented as this Situation was, your Memorialist, from apprehensions of irritating a Power that had in two Instances manifested itself inimical to his Interest, and just Rights, submitted to it without a murmur, in hopes by such Conduct, not only of conciliating this Power, but that a Consideration of the magnitude of the Injustice done him, and the complicated Injuries

Injuries he had suffered, would have impressed on the Mind of the Board some small degree of Commiseration of your Memorialist's Feelings under them, and have induced them to remove him to some other Station: These Hopes however proved as ill founded as fallacious: Nor has it availed your Memorialist, that the Honorable Court of Directors were long since pleased to direct, "that none, "but their Covenanted Servants should "be permitted to hold Employments in "their Service;" for tho', conformable to these Orders, which have been partially executed, with respect to others, Mr. *Motte* should have been removed from his Appointment, and your Memorialist established in his undoubted and just Rights; Mr. *Motte* has nevertheless been continued, and is now in actual possession of the Appointment. Your Memorialist seeing these positive Orders disregarded; and consequently no prospect of an alteration in his Situation; seeing that neither his unremitted Labors and Affiduity, nor his implicit Submission under the most aggravated Injuries, was attended

attended with any Benefit; and preferring a Retreat, to serving with Dishonor, was compelled in June 1784, as will more fully appear by his Letter to the Honorable Board annexed, to relinquish his Appointment; and is now condemned, by a Partiality, fatal to the Service in general, to the Interest of the Honorable Company, and detrimental to himself, to remain unemployed, and for eight Months unprovided for; whilst a number of Young Men, many Years his Juniors in the Service, are not only in possession of the first, and most lucrative Appointments; but draw a much larger Amount annually from the Honorable Company's Treasury, than the aggregate Sum of all the Pay, Allowances, and Emoluments that your Memorialist has received, during the course of eighteen Years' Service. Your Memorialist has the Satisfaction to observe, that the Legislature by the late Act of Parliament, re-establishes the ancient Constitution of your Service, and ratifies, and confirms the repeated and standing Orders of the Honorable Court of Directors, on the
 subject

subject of the Advancement and Promotion of your Servants. Determined however not to expose himself to the most distant Imputation of Impatience, or Precipitancy, your Memorialist, tho' the Act was promulgated here on the 26th of February, made no Application to the Honorable Board 'till the 17th of May, when he took the Liberty, in a Letter, (Copy of which is annexed,) to state his Claims to Employment generally; but not receiving any Answer that might have alleviated the poignant Anxiety, and Solicitude of Mind attending his present Situation, and the Recollection of former Disappointments, he renewed his Solicitation by Letter, the 20th of the following Month, and stated the Claims he conceives himself to have, more particularly: Being however yet left in a state of suspense with respect to the Honorable Board's Determination on them, your Memorialist is compelled, as his dernier Resource, and as the only Prospect of obtaining Redress, humbly to lay this State of his complicated Grievances before you; and this he
 does

does with Confidence as no Accusation of any, kind has been, and he presumes to say can be laid against him, or any other reason assigned, than private Animosity ; why he has been so many years neglected ? Or why he should not have been employed agreeable to his Rank and Standing in the Service ? Your Memorialist fully confiding in the Justice of the Hon. Court, and well knowing the Attention they have uniformly paid to the just Complaints of their Servants, and with what Wisdom all their Regulations have been formed for their Welfare and Advantage ; rests assured that the Injuries he has suffered, will be redressed, and his long Services ultimately rewarded.

Your Memorialist begs permission to
Subscribe himself,

Honorable Sirs,

Your most obedient, and
most faithful humble Servt.

Fort William,
July the 4th, 1785.

*Account of Pay, Allowances and Emoluments received
by JOSEPH SHERBURNE, Senior Merchant, in
the Employ of the Hon. East India Company, from
June 1767, to June 1785.*

*The Honorable Company's Allowance to all Servants,
whether in or out of Employ.*

Yrs. Mo.

C R. A. P.

3	0	at 96 Cur. R. 8A 6P. per Month, —	3475	2	0
14	9	at 63 9 3 per do. — —	11,252	14	3

Factor's Allowance.

3	0	at £15 sterling, or 120 Sicca Rupees per Annum,	417	9	6
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Junior Merchant's Allowance.

3	0	at £30 Sterling, or 240 Sicca Rupees per Annum, — — — — —	835	3	0
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Senior Merchant's Allowance.

7	0	at £40 Sterling, or 320 Sicca Rupees per Annum, — — — — —	2598	6	3
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Official Allowances.

1	6	Assistant in the Accountant's Office, at 100 Arcot Rupees per Month,	1944	0	0
2	8	Assistant at Boglipore, at 200 Sicca Rupees per Month, — — — —	7424	0	0
5	10	Deputy Superintendant of Police, at 400 Sicca Rupees per Month,	32,480	0	0
0	2	As a Senior Merchant out of Employ, at 1200 Sicca Rupees per Month,	2784	0	0
0	2	Ditto, ditto, at 800 Sicca Rupees per Month, — — — — —	1856	0	0

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*Amount of Pay, Allowances, and Emoluments
which have been drawn, annually from the
Honorable Company's Treasury, by the fol-
lowing Gentlemen :*

	A. D.	C. R.
Mr. Samuel Chartres,	1769	27,000
William Cooper, —	—	27,000
Thomas Graham, —	—	27,000
Charles Croftes, —	—	107,000
John Mackenzie. —	1770	20,000
William Bruere, —	—	207,000
John Hannay, —	—	78,000
John Evelin, —	—	27,000
Archibald Montgomerie, —	—	70,000
William Webber, —	1771 —	64,000
Henry Vansittart, —	— —	1,23,000
William Larkins, —	— —	77,000
Thomas Calvert, —	1772	98,000
Jonathan Duncan, —	— —	77,000
Claude Alexander, —	— —	
Edward Hay, —	1775	71,000
William Dent, —	1776	88,000
Henry Griffiths, —	1778	92,000
Sir Charles Blunt, —	1783	72,000

To the HONORABLE WARREN
HASTINGS, Esq. GOVERNOR,
GENERAL, &c. *Gentlemen, Members
of the Supreme Council.*

FORT WILLIAM.

HONORABLE SIR, & SIRs,

THE Appointment I hold in the
Department of the Police, I have
long wished to relinquish, as well on
Account of the Disappointments, I have
suffered in it; as because, I humbly
conceive the Station of one of the
Company's Senior Servants, under a
Person not in their Employ, as unpre-
cedented, and rather incompatible with
the Constitution of the Service; but I
have been with-held from doing so, by
my respect and resignation to the Plea-
sure of the Board, by the Hopes I
cherished of some favorable Alteration,
or that the Board taking my Situation
into their Consideration, would have
been pleased to employ me in some
other Line; but I perceive nothing that
encourages

encourages, even the Hope of an Alteration; on the contrary, that my Continuance in the Employ, is a Bar to other Claims. These Considerations alone, would be sufficient to induce me to request your permission, to resign my Appointment; if others of still greater Force did not render it almost indispensibly necessary.

From the moment I was honored with the Appointment, it has been my Study and Ambition to merit the Approbation of the Board, and of the Public at large; but I have had an Interest still dearer to preserve my Character and Honor: With these declared and decided principles, which have uniformly guided my Conduct, I cannot hear general Reflections, and Animadversions insinuated against the Department, and in which I must of Course be included, without the warmest Emotions, doubly aggravating by my total Ignorance of the Grounds upon which they are founded.

General

General Reflections affecting the Characters of Individuals, are always illiberal and unjust; these I speak of, are particularly so with Respect to me; for possessing no sort of Authority, I must consequently be exonerated from all Responsibility, except for my own particular Acts, and those I am proud to acknowledge, and ready to defend. In fine Honorable Sir, and Sirs, I am unfortunately cast into a Situation, in which there is little Probability of my being able to recommend myself to your favor, to render any Service to my Employers, or to preserve my own Character unfullied; and therefore I most earnestly wish to be extricated from it: at the same time, I cannot without the utmost Anxiety reflect on the Consequences that may attend my throwing myself out of Employment. The Services of 17 Years have in no wise advanced my Fortune; and I should be sorry to re-experience the Difficulties attending such a Situation, or to increase my

my present Embarrassments: and I therefore rely, that in receiving my Resignation, the same Provision that has been made for others of the same Rank, and in the same Predicament, will be extended to me.

The Motives and Principles which have prompted the Wish of quitting my present Station, will, I flatter myself, not only meet your Approbation; but be a strong Inducement, should any Alteration, sooner or later, take place in the Department, to recal me to a Service, which a close Attention to, and the Experience of six Years, must in some degree particularly qualify me for.

I am,

with the utmost Respect,

Honorable Sir, and Sirs,

Your most obedient, and

most faithful, humble Servant,

Fort William,

June the 30th 1784.

To

To
The Honorable JOHN MACPHERSON, Esq;
Governor General, &c. Members of the
Supreme Council,
FORT WILLIAM,

HONORABLE SIR, & SIRS,

HAVING perused with attention the late Act of Parliament, published by authority, and finding it is enacted by the 42d Clause, that the Honorable Company's Servants shall be advanced, and succeed to Appointments according to Seniority, I humbly beg Permission, to submit my Claims to Employment to the Honorable Board's Consideration.

With an Insight of the Revenue Branch, acquired by the closest Application, during several Years that I was employed under Mr. *William Harwood*, the Collector of *Rajemahal* and *Boglipore*, with also a knowledge of the several Native Languages, I flatter myself particularly qualified to render the Honorable Company Service in this Department: and
on

on a reference to the List of Covenanted Servants, my Rank will be found superior to that of either the former or present Members of the Committee of Revenue.

The Act of Parliament having been published some time, and as I am at present without Employment, I trust, this Application, (considered as a Duty owed to myself) will be deemed neither precipitate, or unnecessary; fully confident, that in any Arrangement you may have in contemplation, the just Claims of every one will be duly considered.

*I remain, with the utmost Respect,
Honorable Sir, and Sirs,
Your most obedient, and
most faithful humble
Servant,*

*Fort William,
May the 17th 1785.*

To

*The Honorable JOHN MACPHERSON, Esq;
Governor General, &c. Members of the
Supreme Council,*

FORT WILLIAM;

HONORABLE SIR, & SIRS,

I HAD the Honor to address you, on the 17th ult. on the subject of my Claims to an Employment; but as it was then understood you had a Plan of general Arrangement of the Service, under consideration, I judged it only necessary to state them generally. Not having yet however received any Answer, and as it may probably be some time before any such Plan is finally determined on, and carried into execution, I think it incumbent on me to request your Permission to represent the Claims I conceive myself to have, independent of any such Plan.

It is enacted by the 84th Clause of the late Act of Parliament: “For the better
“ Regulation and Management of the
“ Affairs of the East India Company,
“ that

“ that the said Act shall take place, and
 “ have commencement in India, from
 “ the 1st Day of January 1785.” By the
 “ 40th Clause it is enacted “ That accu-
 “ rate and exact Lists of all the Offices
 “ and Employments on the Civil Esta-
 “ blishment of the Company, and of all
 “ the Forces, &c. together with an Ac-
 “ count of the Salaries, and Emolumen ts
 “ appertaining to all and every of the
 “ said Offices, shall be transmitted an-
 “ nually to the Court of Directors, for
 “ their Guidance; and by them to be
 “ laid before the two Houses of Parlia-
 “ ment, within fourteen Days after the
 “ commencement of every Session of
 “ Parliament.” By the 41st Clause it is
 “ enacted, “ That until the said several
 “ Lists of the Offices, Places, and Em-
 “ ployments shall have been made and
 “ established as aforesaid, the Honorable
 “ Court of Directors shall be prohibited
 “ from appointing or sending to India
 “ any new Servants, Civil or Military,
 “ under the degree of Counsellors, and
 “ Commanders in Chief; and after such

“ Lists shall have been perfected and e-
 “ stablished, the Court of Directors shall
 “ in no wise send out a greater Number
 “ of Persons to be Cadets or Writers, or
 “ in any other Capacity, than will be
 “ actually necessary in addition to the
 “ Persons on the spot, to supply, and
 “ keep up the proper Compliment or
 “ Number of Officers and Servants con-
 “ tained in such Lists, according to such
 “ Returns of Vacancies as the proper
 “ Officers of the Company shall from
 “ time to time transmit from India to
 “ the Court of Directors:” and by the
 4^{2d} Clause it is enacted, “ That after
 “ the commencement of the Act, all
 “ Promotions, and Advancements of the
 “ Officers and Servants of the Company
 “ in India, as well Civil as Military, in
 “ their respective Lines, or Professions,
 “ shall be made according to seniority of
 “ Appointment, in a regular progressive
 “ Succession; and that all Nominations
 “ and Appointments made, repugnant or
 “ contrary to the Directions of the Act
 “ shall be null and void.”

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The 40th and 41st Clauses appear to me to be explanatory of the 42d Clause; and from all and severally, I apprehend, (with all possible Deference to your superior Discernment) that the Intention of the Legislature has been to confirm and re-establish the ancient Constitution of the Service, to guard the Rights of the Servants to progressive Advancement, according to Seniority, and to secure them against Supercession, either from Europe, or in India.

Viewing the Act in this light; and advertng to the Disappointments. and Supercessions I have myself suffered, in the course of Eighteen Years' Service, I revere the Framer of it, and the Legislative Power that passed it.

Subsequent to the 1st of January 1785, but previous, I must acknowledge, to the promulgation of the Act in India, the following Appointments took place; and were conferred on Gentlemen, all my Juniors in the Service, and who at that time were in possession of other Offices:

Two

Two Seats in the Committee of Revenue,
 The Resident at the Durbar,
 Superintendent of Customs,
 Collector of Kishnagur,
 Collector of Government Customs.

But Honorable Sir, and Sirs, the Act having been long in Force, I humbly conceive, I have from the Tenor of it, from my Superior Rank in the Service, and being the Senior Servant of the Company out of Employ, when these Appointments took place; a clear and indisputable Claim to one of the Seats in the Committee, and I rely on your Justice and approved Disposition, to conform to an Act of the Legislature, that you will, as soon as you conveniently can determine on my Claim, and favor me with an Answer to it.

I am with the utmost Respect,

Honorable Sir, & Sirs,

Your most Obedient, and
 most faithful humble Servant.

*Fort William,
 June the 20th, 1785.*

To

To

*The Honorable JOHN MACPHERSON, Esq;
Governor General, &c. Members of
the Supreme Council,*

FORT WILLIAM.

The Memorial of JOSEPH SHER-
BURNE, *Senior Merchant* in the
Service of the *Hon. Company.*

Sheweth,

THAT your Memorialist has at-
tentively read and considered the
late Act of Parliament, entitled "An
Act for the better Management of the
Affairs of the East-India Company;"
particularly the 40th 41th and 42d Clauses
thereof; and humbly conceives the fol-
lowing Facts and premises are thereby
incontrovertibly established:

First, That an unalienable and inde-
feasible Right, is conferred on the
Servants of the Company, Civil
and Military, to Advancement and
Succession to Offices according to
Seniority.

2nd,

2nd. That the regular progeffive Line of Succellion is not to be broken through, or deviated from, but on very urgent Occallions.

3^d. That on every fuch very urgent Occallion, the Government or Prefidency making fuch Deviation, muft fpecify in their Records, all the Circumftances of the Cafe with their Reallons and Inducements at large for fo doing.

Your Memorialift further conceives, that the Lift of Officers, &c. required by the 40 Clause, to be laid annually before the two Houfes of Parliament, muft in a manner ftamp the Character of every Individual in the Company's Employ, particularly of the Senior Servants; becaufe the Aft having eftablifhed the regular Line of Succellion, according to Seniority; any perfon who from fuch Lift is found, either not in his proper Station, or in one inferior to his Rank, muft be expofed to Suspicion, that he has either forfeited his Rights by fome
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Act of Delinquency, or that his Abilities are not adequate to the Duties of the Stations his Rank entitles him to.

That consequently every Deviation made by Government from the regular Line of Succession, may not only immediately injure the Fortune of the Person or Persons affected by it, but may fix an indelible stigma on his, or their Character and Reputation.

Your Memorialist submissively apprehends from the foregoing Premises, that the late Arrangement of Offices. and the Appointment of Messrs. *Croftes*, *Johnson*, and *Muir*, to them; is contrary to the Letter, Meaning, and Spirit of the late Act of Parliament, in as much, as these Gentlemen are Juniors to your Memorialist, and a number of others; some of whom with your Memorialist, are without any Employment, and consequently, that the regular Line of Succession according to Seniority established by the Act, has not in these instances been adhered to.

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Your Memorialist also submissively apprehends, that the very urgent Occasions to deviate from the regular Line of Succession, meant and provided for in the Act, do not exist in the present instances; seeing, that in case urgent occasions, were allowed to affect particular Persons: they would from the present Incapacity of Mr. *Croftes*, more forcibly operate against him, than any of his Seniors, who are injured by his Appointment to *Chittagong*; and are able to attend to the Duties of the Service: and that the Offices to which Messrs. *Johnson*, and *Muir* are appointed, being Offices of Account, do not require any very particular Talents, or Abilities, to discharge the Duties of them, which your Memorialist does not possess.

That your Memorialist, therefore considers himself, not only deprived of his legal and just Rights, and consequently immediately injured in his Fortune; but indirectly injured in his Character and Reputation by these Arrangements,
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in as much, as they tend to, and may implicate him with the other Gentlemen affected by them in a Suspicion of Guilt, or Incapacity.

Your Memorialist humbly presumes the Laws are equally binding on the highest, as on the lowest of his Majesty's Subjects, and therefore prays the Honorable Board will be pleased to take the Premises into Consideration, that they will preserve his just Rights, as by Law established; but as he apprehends materially injured, and affected by the afore-said Appointments of Messrs. *Croftes*, *Johnson*, and *Muir*.

Your Memorialist further prays, that if in the Circumstances of the Case, or the Reasons and Inducements at large, stated on the Hon. Board's Proceedings for these Deviations from the Line of progressive Succession, according to Seniority, as directed by the Act; there are any which may affect his Character as an

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Individual,

Individual, or as a Servant of the Company, he may be furnished with a Copy of them, before they are transmitted to Europe, and that a Copy of this, his Memorial, may with the next Dispatches, be forwarded to the Honorable Court of Directors.

Your Memorialist begs permission to
Subscribe himself,

Honorable Sir, & Sirs,

Your most Obedient, and
most faithful humble Servant.

Calcutta,

Sept. the 22d, 1785.



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